



PATENT  
Customer No. 22,852  
Attorney Docket No. 05725.0593-00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Nghi VAN NGUYEN et al. ) Group Art Unit: 1751  
)  
Application No.: 09/931,912 ) Examiner: E. Elhilo  
)  
Filed: August 20, 2001 ) Confirmation No.: 4343  
)  
For: COMPOSITIONS COMPRISING )  
AT LEAST ONE HYDROXIDE )  
COMPOUND AND AT LEAST )  
ONE REDUCING AGENT, AND )  
METHODS FOR RELAXING HAIR )  
)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed concurrently with a Request for Continued Examination and Submission in the above-referenced application.

Copies of the listed documents are attached, with the exception of copies of the U.S. patents, U.S. patent application publications, and Office Actions from co-pending applications, which are available on the Image File Wrapper System.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir.

2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive Office Actions in co-pending applications on the attached form.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicants submit the following remarks:

1. **CN 1138450 A** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith. The document is believed to be related to U.S. Patent No. 5,932,201, which is listed on the attached PTO Form SB/08.
2. **JP-A S50-029756** - The document is believed to be related to U.S. Patent Nos. 3,908,672 and 3,971,391, which were cited with the Information Disclosure Statements dated November 15, 2001, and October 27, 2003, respectively.
3. **JP-A S50-029757** - The document is believed to be related to U.S. Patent Nos. 3,908,672 and 3,971,391, which were cited with the Information Disclosure Statements dated November 15, 2001, and October 27, 2003, respectively.

4. **JP-A S63-190814** - The document is believed to be related to U.S. Patent No. 5,294,230, which is listed on the attached PTO Form SB/08.

5. **JP-A H02-104515** - The document is believed to be related to EP 0 354 835, which was submitted with the Information Disclosure Statement dated September 7, 2005.

6. **JP-A H04-243860** - The document is believed to be related to U.S. Patent No. 5,154,918, which was cited with the Information Disclosure Statement dated November 15, 2001.

7. **JP-A H04-295413** - The document is believed to be related to U.S. Patent No. 5,223,252, which was cited with the Information Disclosure Statement dated September 7, 2005.

8. **JP-A H05-246827** - The document is believed to be related to EP Patent No. 0 512 879, which was submitted with the Information Disclosure Statement dated September 7, 2005.

9. **JP-A H08-245559** - The document is believed to be related to U.S. Patent No. 5,679,332, which was cited with the Information Disclosure Statement dated September 7, 2005.

10. **JP-A H5-39211** - The document is believed to be related to U.S. Patent No. 5,419,895, which is listed on the attached PTO Form SB/08.

11. **JP-A H6-172141** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith.

12. **JP-A H6-343511** - The document is believed to be related to U.S. Patent No. 5,565,192, which is listed on the attached PTO Form SB/08.
13. **JP-A H7-101840** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith.
14. **JP-A 2002-003346** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith.
15. **JP-A 2002-68976** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith.
16. **WO 99/18922** - An English language abstract of this foreign language document can be found on the title page of this document.
17. **Hair Science: Japan Hair Science Assoc., Jan. 10, 1996, 2nd. Ed., p. 87** - A translation of this document is submitted herewith.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Examiner the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 4, 2006

By: Deborah M. Herzfeld  
Deborah M. Herzfeld  
Reg. No. 52,211

|  |   |    |                          |                        |                 |                  |
|--|---|----|--------------------------|------------------------|-----------------|------------------|
| <b>IDS Form PTO/SB/08: Substitute for form 1449A/PTO</b><br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br><i>(Use as many sheets as necessary)</i> |   |    | <b>Complete if Known</b> |                        |                 |                  |
|  |   |    | Application Number       |                        | 09/931,912      |                  |
|  |   |    | Filing Date              |                        | August 20, 2001 |                  |
|  |   |    | First Named Inventor     |                        | Nghi Nguyen     |                  |
|  |   |    | Art Unit                 |                        | 1751            |                  |
|  |   |    | Examiner Name            |                        | E. Elhilo       |                  |
| Sheet  | 1 | of | 2                        | Attorney Docket Number |                 | 05725.0593-00000 |

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 PATENT & TRADEMARK OFFICE

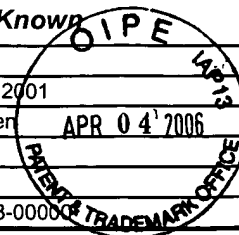
| U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS |          |                             |   |   |   |
|---|----------|-----------------------------|---|---|---|
| Examiner Initials                                   | Cite No. | Document Number             | Issue or Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|   |          | Number-Kind Code (if known) |   |   |   |
|   | 1        | 5,294,230                   | 3/15/1994                               | Wu et al.                                       |   |
|   | 2        | 5,419,895                   | 5/30/1995                               | Kubo et al.                                     |   |
|   | 3        | 5,565,192                   | 10/15/1996                              | Leroy et al.                                    |   |
|   | 4        | 5,932,201                   | 8/3/1999                                | de Labbey et al.                                |   |

| FOREIGN PATENT DOCUMENTS |          |  |                                |   |   |             |
|--------------------------|----------|--|--------------------------------|---|---|-------------|
| Examiner Initials        | Cite No. | Foreign Patent Document                  | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | Translation |
|                          |          | Country Code Number Kind Code (if known) |                                |   |   |             |
|                          | 5        | CN 1138450                               | 12/25/1996                     | L'Oréal   |   | Abstract    |
|                          | 6        | JP-A S50-029756                          | 3/25/1975                      | L'Oréal   |   |             |
|                          | 7        | JP-A S50-029757                          | 3/25/1975                      | L'Oréal   |   |             |
|                          | 8        | JP-A S63-190814                          | 8/8/1988                       | The Gillette Co.                                |   |             |
|                          | 9        | JP-A H02-104515                          | 4/17/1990                      | L'Oréal   |   |             |
|                          | 10       | JP-A H04-243860                          | 8/31/1992                      | L'Oréal   |   |             |
|                          | 11       | JP-A H04-295413                          | 10/20/1992                     | Helene Curtis, Inc.                             |   |             |
|                          | 12       | JP-A H05-246827                          | 9/24/1993                      | L'Oréal   |   |             |
|                          | 13       | JP-A H08-245559                          | 9/24/1996                      | Wella Aktiengesellschaft                        |   |             |
|                          | 14       | JP-A H5-39211                            | 2/19/1993                      | Shiseido Co., Ltd.                              |   |             |
|                          | 15       | JP-A H6-172141                           | 6/21/1994                      | Takara Belmont KK                               |   | Abstract    |
|                          | 16       | JP-A H6-343511                           | 12/20/1994                     | L'Oréal   |   |             |
|                          | 17       | JP-A H7-101840                           | 4/18/1995                      | KAO Corp.                                       |   | Abstract    |
|                          | 18       | JP-A 2002-003346                         | 1/9/2002                       | Dowa Yakusho KK                                 |   | Abstract    |
|                          | 19       | JP-A 2002-68976                          | 3/8/2002                       | Chuo Aerosol Kagaku KK                          |   | Abstract    |
|                          | 20       | WO 99/18922                              | 4/22/1999                      | L'Oréal   |   | Abstract    |

|                    |                 |  |
|--------------------|-----------------|--|
| Examiner Signature | Date Considered |  |
|--------------------|-----------------|--|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

|  |   |                          |                 |
|--|---|--------------------------|-----------------|
| IDS Form PTO/SB/08: Substitute for form 1449A/PTO  |   | <b>Complete if Known</b> |                 |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br><i>(Use as many sheets as necessary)</i> |   | Application Number       | 09/931,912      |
|  |   | Filing Date              | August 20, 2001 |
|  |   | First Named Inventor     | Nghi Nguyen     |
|  |   | Art Unit                 | 1751            |
|  |   | Examiner Name            | E. Elhilo       |
| Sheet  | 2 | of                       | 2               |
|  |   | Attorney Docket Number   | 05725.0593-0000 |



| NON PATENT LITERATURE DOCUMENTS |          |   |             |
|---------------------------------|----------|---|-------------|
| Examiner Initials               | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation |
|                                 | 21       | Advisory Action dated July 22, 2005, in co-pending Application No. 09/789,667 (Attorney Docket No. 05725.0535-00)   |             |
|                                 | 22       | English language Derwent Abstract for CN 1138450  |             |
|                                 | 23       | English language Derwent Abstract for JP-A H6-172141  |             |
|                                 | 24       | English language Derwent Abstract for JP-A H7-101840  |             |
|                                 | 25       | English language Derwent Abstract for JP-A 2002-003346  |             |
|                                 | 26       | English language Derwent Abstract for JP-A 2002-68976   |             |
|                                 | 27       | Hair Science: Japan Hair Science Assoc., Jan. 10, 1996, 2nd. Ed., p. 87.  | Yes         |
|                                 | 28       | English language translation of Hair Science: Japan Hair Science Assoc., Jan. 10, 1996, 2nd. Ed., p. 87.  |             |
|                                 | 29       | Office Action dated August 31, 2005, in co-pending Application No. 09/931,913 (Attorney Docket No. 05725.0848-00).  |             |

|                    |  |                 |  |
|--------------------|--|-----------------|--|
| Examiner Signature |  | Date Considered |  |
|--------------------|--|-----------------|--|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.